

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MORGAN STANLEY DW, INC., d/b/a)
Morgan Stanley,)
Plaintiff,)
vs.) CIVIL NO. 06-120-GPM
TIMOTHY GUTHRIE and THOMAS)
MULHERIN,)
Defendants.)

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

On February 17, 2006, the Court issued a preliminary injunction against Defendants, which stated, among other things, the following:

Defendants are allowed to maintain the names, addresses, and telephone numbers of all of the customers whose accounts they serviced while employed at Morgan Stanley. Defendants may contact those customers to let them know where they are now working and what they are doing; however, Defendants may not request that the customers transfer their accounts to Defendants' new employer. Any request for transfer must be initiated by the customer.

(Doc. 21) Plaintiff now contends that Defendants have violated this provision by soliciting certain customers to transfer their accounts and has filed a motion for an order to show cause why Defendants should not be held in contempt of Court for doing so. Plaintiff sought discovery to develop and support its theory that Defendants have violated the February 17th injunction. The motion for discovery has been denied (*see* Doc. 29).

Based upon the record before the Court, Plaintiff has made an insufficient showing that

Defendants have violated this Court's order. The Court will not issue a show cause order based upon the vague assertions contained in the affidavits submitted by Karl Walz and Lon Dircks (*see* Doc. 22, Exs. 1, 2). Accordingly, Plaintiff's motion for an order to show cause (Doc. 22) is **DENIED.**

IT IS SO ORDERED.

DATED: 04/03/06

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge